

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT WHEELING**

PATRICK D. LEGGETT, *et al*,

Plaintiffs,

v.

**CIVIL ACTION NO. 1:13-cv-0004 FPS
Honorable Frederick P. Stamp, Jr.**

EQT PRODUCTION COMPANY, *et al.*,

Defendants.

EQT PRODUCTION COMPANY’S PROPOSED CERTIFIED QUESTIONS

Pursuant to the Court’s Order entered on January 22, 2016, Defendant EQT Production Company submits the following proposed Certified Questions to be presented to the Supreme Court of Appeals of West Virginia:

1. Does *Tawney v. Columbia Natural Resources, LLC*, 219 W. Va. 266, 633 S.E. 2d 22 (2006), which was decided more than 20 years after enactment of W.Va. Code §22-6-8 and which answered only a certified question regarding the interpretation of ambiguous oil and gas lease terms, mandate that strict construction must be applied against an oil and gas producer in interpreting the statutory “at the well” language found in W.Va. Code §22-6-8(e)?
2. Does W. Va. Code §22-6-8 prohibit flat-rate royalties only for wells drilled or reworked after the statute’s enactment and modify only royalties paid on a per-well basis where permits for new wells or to modify existing wells are sought, or do the provisions of W. Va. Code §22-6-8 abrogate flat-rate leases in their entirety?

Respectfully submitted,

EQT PRODUCTION COMPANY,

By Counsel.

/s/ **David K. Hendrickson** 02/04/2016

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CERTIFICATE OF SERVICE

I, David K. Hendrickson, counsel for Defendants, do hereby certify that on the **4th day of February, 2016**, a true and exact copy of **“EQT PRODUCTION COMPANY’S PROPOSED CERTIFIED QUESTIONS”** was served upon counsel of record using the Court’s CM/ECF system which will deliver true and exact copies to the following counsel of record:

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